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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,820	02/07/2002	George Brookner	ASCO.P-071	3786
21121	7590	01/04/2005	EXAMINER	
OPPEDAHL AND LARSON LLP P O BOX 5068 DILLON, CO 80435-5068			SHERR, CRISTINA O	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/071,820

Applicant(s)

BROOKNER ET AL.

Examiner

Cristina Owen Sherr

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date July 18, 2002.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: See Continuation Sheet.

Continuation of Attachment(s) 6). Other: Information disclosure statements filed July 18, 2002, November 21, 2003 and March 31, 2004 .

### **DETAILED ACTION**

1. This communication is in response to the application filed February 7, 2002.

Claims 1-24 have been examined.

#### ***Priority***

2. This application's claim of priority to November 16, 2001 through US Application 60/339,530 is acknowledged.

#### ***Information Disclosure Statement***

3. The information disclosure statements (IDS) submitted on July 18, 2002, November 21, 2003 and March 31, 2004 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitehouse (US 6,005,945) in view of Kara (US 5,822,739).

6. Regarding claim 1 –

Whitehouse discloses a method for use with a postage meter system under the jurisdiction of a postal authority, the postage meter system comprising a host and a server, the host comprising a postal security device and postal indicia printing means,

the server comprising cryptographic device disposed for cryptographically secure communication with the postal security device, the method comprising the steps of: entering information into the host indicative of a batch of mail pieces to be franked; franking the mail pieces whilst storing information about the franking of the batch of mail pieces to a memory within the host; communicating the statistical information from the postal security device to the cryptographic device; authenticating the statistical information at the cryptographic device; and passing the statistical information to a postal authority (e.g. col 6 ln 20 – col 7 ln 10).

Whitehouse does not disclose, but Kara does, within the postal security device, performing a cryptographic authenticating procedure upon the information about the franking of the batch and the information indicative of the batch, said information defining statistical information (e.g. col 3 ln 5-40).

7. Regarding claim 2-12 –

Whitehouse discloses the method of claim 1 wherein the step of performing the cryptographic authenticating procedure comprises calculating a message authentication code, and the step of authenticating the statistical information comprises checking for correctness of the message authentication code; wherein the step of performing the cryptographic authenticating procedure comprises digitally signing the statistical information, and the step of authenticating the statistical information comprises checking for correctness of the digital signature; wherein the communicating step further comprises establishing a cryptographically secure session and communicating the information in a cryptographically secure fashion; wherein the communicating step is

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performed in the absence of the establishment of a cryptographically secure session; further comprising the step of passing a confirmation from the cryptographic device to the postal security device indicative of receipt by the cryptographic device from the postal security device, and the further step of deleting the statistical information from the postal security device upon receipt of the confirmation.; further comprising the step, performed by the postal authority, of granting a discount based on the statistical information; further comprising the step, performed by the postal authority, of granting a credit for future franking based on the statistical information; wherein the memory within the host is within the postal security device; wherein the memory within the host is not within the postal security device; where the step of communicating the statistical information from the postal security device to the cryptographic device further comprises the steps of cryptographically signing the statistical information within the postal security device, yielding a signature; communicating the information and signature to memory within the host and not within the postal security device; storing the information and signature within the memory within the host and not within the postal security device, and communicating the information and signature from memory within the host and not within the postal security device, to the cryptographic device; wherein the storing of the information and signature within the memory within the host and not within the postal security device is for at least one day (e.g. col 12 ln 15-65).

8. It would be obvious to one of ordinary skill in the art to combine the teachings of Whitehouse and Kara in order to obtain greater security in postage metering.

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9. Claims 13-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitehouse (US 6,005,945) in view of Kara (US 5,822,739).

10. Regarding claim 13 –

Whitehouse discloses a method for use with a postage meter system under the jurisdiction of a postal authority, the postage meter system comprising a host and a server, the host comprising a postal security device and postal indicia printing means, the server comprising cryptographic device disposed for cryptographically secure communication with the postal security device, the host operated by a service provider providing service to a plurality of users, the method comprising the steps of: entering information into the host indicative of a batch of mail pieces to be franked and indicative of an identity of a user associated with the batch; franking the mail pieces whilst storing information about the franking of the batch of mail pieces to a memory within the host; communicating the statistical information from the postal security device to the cryptographic device; authenticating the statistical information at the cryptographic device; and passing the statistical information to a postal authority (e.g. col 6 ln 20 – col 7 ln 10).

Whitehouse does not disclose, but Kara does, within the postal security device, performing a cryptographic authenticating procedure upon the information about the franking of the batch and the information indicative of the batch, said information defining statistical information (e.g. col 3 ln 5-40).

10. Regarding claim 14-24 –

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Whitehouse discloses the method wherein the step of performing the cryptographic authenticating procedure comprises calculating a message authentication code, and the step of authenticating the statistical information comprises checking for correctness of the message authentication code; wherein the step of performing the cryptographic authenticating procedure comprises digitally signing the statistical information, and the step of authenticating the statistical information comprises checking for correctness of the digital signature; wherein the communicating step further comprises establishing a cryptographically secure session and communicating the information in a cryptographically secure fashion; wherein the communicating step is performed in the absence of the establishment of a cryptographically secure session; further comprising the step of passing a confirmation from the cryptographic device to the postal security device indicative of receipt by the cryptographic device from the postal security device, and the further step of deleting the statistical information from the postal security device upon receipt of the confirmation; further comprising the step, performed by the postal authority, of granting a discount to the user associated with the batch based on the statistical information; further comprising the step, performed by the postal authority, of granting a credit for future franking to the user associated with the batch based on the statistical information; wherein the memory within the host is within the postal security device; wherein the memory within the host is not within the postal security device; where the step of communicating the statistical information from the postal security device to the cryptographic device further comprises the steps of cryptographically signing the statistical information within the postal security device, yielding a signature;



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communicating the information and signature to memory within the host and not within the postal security device; storing the information and signature within the memory within the host and not within the postal security device, and communicating the information and signature from memory within the host and not within the postal security device, to the cryptographic device; wherein the storing of the information and signature within the memory within the host and not within the postal security device is for at least one day (e.g. col 12 ln 15-65).

11. It would be obvious to one of ordinary skill in the art to combine the teachings of Whitehouse and Kara in order to obtain greater security in postage metering.

12. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### ***Conclusion***

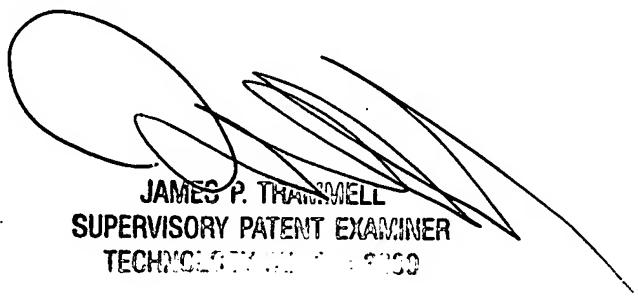
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 703-305-0625. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

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14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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